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10/668,207	09/24/2003	Fabio Giannetti	200205657-2	1593

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EXAMINER
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BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/668,207

Applicant(s)

GIANNETTI, FABIO

Examiner

Greg Bengzon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 09/24/2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

This application has been examined. Claims 1-21 are pending.

### ***Priority***

This application claims benefits of priority from Foreign Application 0222216.4 (UK) filed September 24, 2002.

The effective date of the claims described in this application is September 24, 2002.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 09/24/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 12-15 pertain to 'a machine-readable medium', which the Applicant Specifications (Page 8 Lines 25-30) define as a carrier wave or data signals embodied in a carrier wave. The Examiner notes that said carrier wave or data signals embodied in a carrier wave are non-statutory subject matter. The Examiner notes that absent some physical context, a signal per se is an abstract idea in much the same way that a mathematical algorithm without context is an abstract idea.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 7, 9-16, 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Slaughter (US Patent 6898618) .

Slaughter disclosed (re. Claim 1) a method of delivering data to at least one data-handling device, the method comprising the steps of:

storing data that is intended for transmission to the data-handling device according to a predetermined template (Slaughter – Column 15 Lines 65-67) which provides a plurality of fields, each of the fields being capable of containing a portion of the data;(Slaughter-Column 17 Lines 35-45)

providing mappings that map the data within the fields of the predetermined template (Slaughter-Column 87 Lines 55-60) to fields within alternative templates (Slaughter-Column 86 Lines 50-55) should it be determined that the data-handling device is not capable (Slaughter-Column 35 Lines 30-45) of handling data held in the predetermined template; and

transmitting the data to the data-handling device. (Slaughter-Column 17 Lines 35-45)

Claims 9 (device) ,10 (network) ,11-15 (device,medium) , 19-21 (device, network, medium) are rejected on the same basis as Claim 1.

Slaughter disclosed (re. Claim 2) a plurality of predetermined templates in any one of which data may be stored. (Slaughter-Column 86 Lines 50-55)

Slaughter disclosed (re. Claim 3) a plurality of alternative templates (Slaughter-Column 86 Lines 50-55) such that data provided in any of the predetermined templates can be mapped to at least one of the alternative templates. (Slaughter-Column 87 Lines 55-60)

Slaughter disclosed (re. Claim 4) specifying a plurality of mappings from the predetermined to the alternative templates. (Slaughter-Column 86 Lines 50-55)

Slaughter disclosed (re. Claim 5) wherein at least one mapping allows data to be mapped to an alternative template such that the data can be handled by substantially all data-handling devices that may be sent data. (Slaughter-Column 86 Lines 50-60)

Slaughter disclosed (re. Claim 7) determining whether the data-handling device is capable of handling data before transmission to the data-handling device and mapping the data using the mappings should it be determined that the data-handling device cannot handle the predetermined template. (Slaughter-Column 35 Lines 30-45)

Slaughter disclosed (re. Claims 9,10) a receiving means for receiving a request for data, a transmitting means arranged to transmit data, (Slaughter-Column 13 Lines 50-55) a processing means arranged to process data and a storage means for storing data, (Slaughter-Column 13 Lines 50-55) the receiving means is arranged to communicate the receipt of a request for data to the processing means which is arranged, upon the receipt of such a communication, to retrieve data from the storage means which has been stored according to a predetermined template (Slaughter – Column 15 Lines 65-67) which provides a plurality of fields such that each of the fields is capable of containing a portion of the data, (Slaughter-Column 17 Lines 35-45) the storage means also being arranged to store mappings which are arranged to map data held in fields of the predetermined template (Slaughter-Column 87 Lines 55-60) to fields within alternative templates, (Slaughter-Column 86 Lines 50-55) the processing means being capable of mapping data stored in the predetermined template to alternative templates according to the mappings and sending the mapped data to the transmitting means for transmission.

Slaughter disclosed (re. Claims 11) a data-handling device being arranged to communicate a parameter such that the method of claim 1 can be applied to the data that is sent to the data-handling device. (Slaughter-Column 35 Lines 30-



45)

Slaughter disclosed (re. Claim 16) a method of delivering data to at least one data-handling device, the method comprising the steps of: i. storing data that is intended for transmission to the data-handling device in one of a plurality of predetermined templates (Slaughter – Column 15 Lines 65-67) each of which provides a plurality of fields and each of the fields being capable of containing a portion of the data; (Slaughter-Column 17 Lines 35-45)ii. providing a plurality of mappings that map data held within a field of one of the predetermined templates (Slaughter-Column 87 Lines 55-60) to fields within an alternative template should it be determined that the data-handling device to which the data is to be sent is not capable of handling data held in the predetermined template; iii. altering the data according to one of the mappings should it be determined that the data-handling device cannot handle the data; (Slaughter-Column 35 Lines 30-45) and iv. transmitting the data to the data-handling device.

Slaughter disclosed (re. Claim 19) a receiver, a transmitter, a processor and a memory, the receiver is arranged to communicate the receipt of a request for data (Slaughter – Column 15 Lines 65-67) to the processor which is arranged, upon the receipt of such a request, to retrieve data from the memory which has been stored in the memory in one of a plurality of predetermined templates (Slaughter-Column 87 Lines 55-60) each of which provides a plurality of fields

such that each of the fields is capable of containing a portion of the data, (Slaughter-Column 17 Lines 35-45) the memory also being arranged to store mappings which are arranged to map data held in fields of the predetermined template to fields within alternative templates, (Slaughter-Column 86 Lines 50-55) the processor being capable of mapping data stored in the predetermined template to alternative templates according to the mappings (Slaughter-Column 87 Lines 55-60) and sending the mapped data to the transmitter for transmission.

Slaughter disclosed (re. Claim 20) a receiver, a transmitter, a processor and a memory, the receiver is arranged to communicate the receipt of a request for data (Slaughter – Column 15 Lines 65-67) to the processor which is arranged, upon the receipt of such a request, to retrieve data from the memory which has been stored according to one of a plurality of predetermined templates (Slaughter-Column 87 Lines 55-60) each of which provides a plurality of fields such that each of the fields is capable of containing a portion of the data, (Slaughter-Column 17 Lines 35-45) the memory also being arranged to store mappings which are arranged to map data held in fields of the predetermined template to fields within alternative templates, (Slaughter-Column 86 Lines 50-55) the processor being capable of mapping data stored in the predetermined template to alternative templates according to the mappings and sending the mapped data to the transmitter for transmission. (Slaughter-Column 87 Lines 55-

60)

Slaughter disclosed (re. Claim 21) i. storing data that it is intended to send to the remote device in one of a plurality of predetermined templates (Slaughter-Column 87 Lines 55-60) each of which provides a plurality of fields and each of the fields allowing a portion of the data to be stored therein; (Slaughter-Column 17 Lines 35-45) ii. providing a plurality of transformations (Slaughter-Column 86 Lines 50-55) that transform data held within one of the plurality of templates such that the data then corresponds to an alternative template such that data held in a field of one of the predetermined templates is moved to a field within the alternative template; iii. transforming the data according to one of the transformations (Slaughter-Column 87 Lines 55-60) should it be determined that the remote device cannot handle the data as it is stored in the predetermined template; iv. and sending the data to the remote device.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

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would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,8,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slaughter (US Patent 6898618) in view of Horvitz (US Patent 6980993).

Slaughter disclosed (re. Claim 18) i. storing data that is intended for transmission to the data-handling device in one of a plurality of predetermined templates (Slaughter – Column 15 Lines 65-67) each of which provides a plurality of fields and each of the fields being capable of containing a portion of the data; (Slaughter-Column 17 Lines 35-45) ii. providing a plurality of mappings that map data held within a field of one of the predetermined templates to fields within an alternative template (Slaughter-Column 87 Lines 55-60) should it be determined that the data-handling device to which the data is to be sent is not capable of handling data (Slaughter-Column 35 Lines 30-45) held in the predetermined template iii. altering the data according to one of the mappings should it be determined that the data-handling device cannot handle the data; and iv. transmitting the data to the data-handling device.

While Slaughter substantially disclosed the invention Slaughter did not disclose (re. Claim 18) wherein the predetermined mappings including at least a

preferred mapping which is performed in preference to other mappings should it be determined that a mapping is required and a default mapping that is performed if other mappings do not map the data such that it can be handled by the data-handling device;

Horvitz disclosed (re. Claim 18) wherein the predetermined mappings including at least a preferred mapping (Horvitz-Column 37 Lines 30-35) which is performed in preference to other mappings should it be determined that a mapping is required and a default mapping that is performed (Horvitz-Column 54 Lines 15-20) if other mappings do not map the data such that it can be handled by the data-handling device;

Slaughter and Horvitz are analogous art because they present concepts and practices regarding presentation of content according to specific device capabilities. At the time of the invention it would have been obvious to combine Horvitz into Slaughter. The motivation for said combination would have been to provide a valuable content-sensitive and context-sensitive information service. (Horvitz-Column 2 Lines 10-15)

Slaughter-Horvitz disclosed (re. Claim 6) wherein at least a preferred and an alternative mapping are defined. (Horvitz-Column 37 Lines 30-35)

Slaughter-Horvitz disclosed (re. Claim 17) mappings to be ranked such that at least one of the mappings is performed in preference to at least one of the other mappings. (Horvitz-Column 37 Lines 30-35)

While Slaughter substantially disclosed the claimed invention Slaughter did not disclose (re. Claim 8) determining whether the data-handling device is capable of handling the data after it has been transmitted to the data-handling device.

Horvitz disclosed (re. Claim 8) determining whether the data-handling device is capable of handling the data after it has been transmitted to the data-handling device. (Horvitz-Column 25 Lines 15-20)

Slaughter and Horvitz are analogous art because they present concepts and practices regarding presentation of content according to specific device capabilities. At the time of the invention it would have been obvious to combine Horvitz into Slaughter. The motivation for said combination would have been to provide a valuable content-sensitive and context-sensitive information service. (Horvitz-Column 2 Lines 10-15)

### ***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The

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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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